

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Indian Health Service

Rockville, Maryland 20857 Refer to: OAM/DAS

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INDIAN HEALTH SERVICE CIRCULAR NO. 92-16

MISUSE OF GOVERNMENT OWNED/LEASED VEHICLES

Sec.

1. Purpose
2. Authority
3. Policy
4. Background
5. Definitions
6. References

1. PURPOSE. This circular establishes Indian Health Service (IHS) policy for the enforcement of disciplinary measures within applicable laws and regulations against operators and incidental operators, who use or authorize the use of, a Government-owned or leased motor vehicle for other than official purposes.
2. AUTHORITY. Statutory prohibitions and penalties against the misuse of a Government vehicle are set forth in the Office of Management and Budget (OMB), 31 United States Code (U.S.C.) 1349, and General Services Administration (GSA), 41 Code of Federal Regulations (CFR) 101-38.3.

Public Law 766 of the 83rd Congress amending the Federal Property and Administrative Services Act of 1949 provides the Congressional Policy. Title 40 of the U.S.C., Section 491 (j) directs the U.S. Office of Personnel Management (OPM) to issue regulations to govern executive agencies in authorizing employees to operate Government-owned or leased motor vehicles for official purposes. The OPM regulations are contained in Title 5 of the CFR, Chapter 930 (5 CFR 930) and Subchapter 1 and Appendix A of Chapter 930 of the Federal Personnel Manual. The Department regulations are set forth in HHS Instruction 930-1 of the Department Manual. The IHS supplement regulations are set forth herein.

3. POLICY. Any officer or employee of the IHS who willfully uses or knowingly authorizes the use of a Government-owned or leased motor vehicle for other than official purposes shall be suspended from duty, without compensation, for not less than thirty (30) days or removed from Federal Service (31 U.S.C. 1349). Any employee who violates

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Federal, State, or local laws, Government regulations and policies concerning the use of Government-owned or leased motor vehicles shall be subject to disciplinary measures and will be responsible for violations, fines, and other related costs resulting from negligence.

4. BACKGROUND. Employees entrusted with motor vehicles are responsible at all times for the proper care, operation, maintenance, and protection of the vehicle.

Grounds constituting sufficient cause for adverse action occurs when the employee:

- (1) is convicted of operating under the intoxicating influence of alcohol, narcotics, or pathogenic drugs;
- (2) is convicted of leaving the scene of an accident without making himself/herself known;
- (3) is not qualified to operate a Government-owned or leased vehicle safely because of a physical or medical condition. In making such determinations, offices should consult a Federal medical officer or other medical authority as appropriate; or
- (4) State license is revoked or suspended.

In addition to the grounds for adverse actions listed above, the following circumstances are bases for action to remove or suspend employees from duties requiring the operation of a motor vehicle when the employee:

- (1) is involved in a motor vehicle accident while operating a Government-owned or leased vehicle, and after investigation is found at fault;
- (2) is convicted of traffic (other than parking) violations with the motor vehicle assigned to him/her;
- (3) improperly operates the motor vehicle assigned to him/her;
- (4) fails to comply with Federal administrative orders relating to motor vehicle operation; or
- (5) is not qualified to operate a Government-owned or leased vehicle safely because of a physical or medical condition. In making such determinations a Federal medical officer or other medical authority is appropriate.

5. DEFINITIONS. "Operator" means an employee who is regularly required to operate Government-owned or leased motor vehicles and is occupying a position officially classified as motor vehicle operator.

"Incidental operator" means an employee, other than the one occupying a position officially classified as a motor vehicle operator, who is required to operate a Government-owned or leased motor vehicle to properly carry out his/her assigned duties.

"Employee" means an employee of IHS in either the competitive or excepted service, or commissioned officer.

"Motor vehicle" means a vehicle designed and operated principally for highway transportation of property or passengers exclusive of military vehicles.

"Official purpose" is a matter of administrative discretion and determination based on the particular facts of the case and the Government's interest in the proposed use of the Government motor vehicle. It is the responsibility of the person authorizing or approving the use to examine the circumstances surrounding such use and assure that the facts sufficiently justify a conclusion of "official purpose."

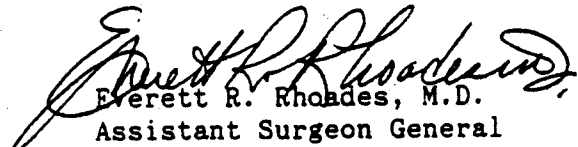
The term "official purpose" shall be interpreted strictly and shall not be construed to encompass the mingling of official business with non-official business. Personnel authorized to travel on official business and are authorized the use of a Government owned/leased vehicle may use such vehicles without regard to normal duty hours as required for conducting legally authorized official business, provided such travel from point to point is performed over a route normally traveled by the public. Employees may stop along such routes to purchase meals or other items necessary to health, welfare, or sustenance.

However, the use of Government vehicles for such purposes as attending to personal business, attendance at luncheons or other social engagements, pleasure trips and the like are prohibited. Transportation of any person not engaged in the conduct of official business or otherwise being transported in the interest of the Government is obviously not for "official purposes," and is therefore illegal.

6. REFERENCES. The bases for this policy and circular are found in:
- o 31 U.S.C. 1349
  - o 31 U.S.C. 1344
  - o 41 CFR 101-38.3 and 41 CFR 101-20.307

6. REFERENCES (continued)

- o 5 CFR 930 and Federal Personnel Manual 930, Subchapter 1 and Appendix A
- o Department of Health and Human Services (HHS) Materiel Management Manual s103-38.052
- o HHS Instruction 930-1
- o HHS Standards of Conduct §73.735-304 and §73.735-305
- o Indian Health Manual, Part 5, Chapter 12, Personal Property Management 5-12.13D

  
Everett R. Rhoades, M.D.  
Assistant Surgeon General  
Director, Indian Health Service